

MINUTES
Town of Westfield Board of Adjustment
February 10, 2020

The Westfield Board of Adjustment met on Monday, February 10, 2020, at the Westfield Municipal Building, 425 East Broad Street, Westfield, New Jersey.

In compliance with Chapter 231 P.C. OPEN PUBLIC MEETINGS ACT of the State of New Jersey, adequate notice of this meeting was provided by posting on the public bulletin board and publication in the newspapers that have been designated to receive such notice: the Westfield Leader and the Star Ledger.

REGULAR MEETING:

Chairman Masciale opened the meeting by calling all present to join in the Pledge of Allegiance to the Flag.

ROLL CALL: Chris Masciale, Frank Fusaro, Michael Cohen, Allyson Hroblak,
Matt Sontz, Mary Doyle
ABSENT: Carla Bonacci, Eldy Pavon, and Samuel Reisen
Also Present: Diane Dabulas, Esq., Donald Sammet, Town Planner and Linda Jacus,
Board Secretary

ADOPTION OF MINUTES:

Chairman Masciale called for a motion to adopt the minutes of the January 13, 2020, meeting. Frank Fusaro made a motion to adopt the minutes; Michael Cohen seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Allyson Hroblak,
Matt Sontz, Mary Doyle
OPPOSED: None
ABSTAINED: None
ABSENT: Carla Bonacci, Eldy Pavon, and Samuel Reisen

Motion carried.

ADOPTION OF RESOLUTIONS:

Chairman Masciale called for a motion to adopt the following resolutions for applications acted upon at the January 13, 2020, meeting:

Donald Hinds, 1036 Columbus Avenue
Glen & Cristina Benson, 618 Tremont Avenue

Frank Fusaro made a motion to adopt the resolutions; Mary Doyle seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen,
Allyson Hroblak, Matt Sontz, Mary Doyle

OPPOSED: None
 ABSTAINED: None
 ABSENT: Carla Bonacci, Eldy Pavon, and Samuel Reisen

Motion carried.

Chairman Masciale called for a motion to adopt the resolution appointing Diane Dabulas, Esq. as Board Attorney to carry out ordinary and extraordinary duties of the Board for the year ending December 31, 2020.

Frank Fusaro made a motion to adopt the resolution; Mary Doyle seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen,
 Allyson Hroblak, Matt Sontz, Mary Doyle
 OPPOSED: None
 ABSTAINED: None
 ABSENT: Carla Bonacci, Eldy Pavon and Samuel Reisen

Motion carried.

Chairman Masciale stated that the vote of any Board Member on the full set of memorializing resolutions would not be construed to include participation by any member in voting on any resolution for which s/he did not vote, nor did not vote in favor of the action taken by the Board (pursuant to N.J.S. §40:55D-10g).

Chairman Masciale made the following announcement:

The following application has been carried to March 9, 2020, meeting:

Paul Nicholson, 2165 Bayberry Lane

CARRIED FROM JANUARY 13TH:

Joe & Chrissy Chan, 509 Boulevard Unit A

9/6/2019

Applicants are seeking approval to retain a shed contrary to Section 13.01G1a and 13.02B2 of the Land Use Ordinance. Ordinance requires a minimum side yard setback for a shed of 5 feet. Proposed is a setback of 1.68 feet. Ordinance allows a maximum shed size of 150 square feet. Proposed is 159 square feet. **Application deemed complete September 16, 2019. 120 day decision date is January 14, 2020.**

Matt Sontz recused himself from the application.

Joshua Koodray, Esq. (370 Chestnut Street, Union) appeared on behalf of the applicant. He stated this application involves a two-unit condo, unit a is owned by the applicants, and there is a rear unit, unit b. There are general common areas, which include the front sidewalk and portions of the paved driveway, which are to be used by both units. There are also limited common areas, which are reserved for exclusive use for each unit, unit a has the front walkway and front yard, and unit b has the rear yard. Also included is a stone area at the rear of the property, which is at the end of the paved driveway; 50 percent of the stone area belongs to unit a and 50 percent

belongs to unit b. Each unit has a one-car garage, and each unit has an additional parking space which is not ideal, as it is hard to get a car in and out. The proposed shed is needed for additional storage space, as well being used for storage of the daughter's vehicle at various times. Based on that modification, the accessory structure would be considered as a garage, as it would no longer meet the definition of a shed, so re-noticing was done to indicate the structure may be used for intermittent parking of the vehicle. The revised application does reduce the size of the shed to 144 square feet so the variance for the size of the shed is being withdrawn. The side yard setback variance is still necessary, but has been increased from 1.68 feet to 2 feet. A revised survey was done and will be submitted as an exhibit. The existing shed will be demolished and will be replaced with a new shed with the same architectural features to match and compliment the home.

Chairman Masciale swore in James Watson (328 Park Avenue, Scotch Plains). The Board accepted Mr. Watson's credentials as a licensed surveyor/planner.

A revised survey was marked as Exhibit A-1. Mr. Watson stated the only variance being requested is for a 2-foot side yard setback where a minimum of 5 feet is required. The proposed new shed will clean up the property and gets materials out of view, it enhances the neighborhood, and increases property values. It fits the neighborhood as there are other sheds so it will not be out of place. Since the structure will be used for parking, placing it someplace else on the property would be less efficient as an extension of the driveway would be needed, which would increase the impervious coverage. The stone area is already designated for parking in the master deed and we are just enclosing that use with this application. This is a permitted use where the benefits outweigh any detriments, we are proposing a parking area and gaining storage for the unit. The requested variance can be granted without any substantial detriment to the zoning ordinance or the master plan.

Open to public questions. None. Closed to public questions.

Open to public comments.

Chairman Masciale swore in John Braun (515 Boulevard). Mr. Braun stated he lives next door and does not have any objection to the shed.

Closed to public comments.

The Board agreed the proposed setback of 2 feet for the shed is not an issue because of the proximity of the barn/carriage house next door. The shed is consistent with the neighborhood and will not encroach into the common area. Some conditions to be imposed if approved, the existing shed must be removed, the new shed should not be larger than 9x16, and the side yard setback for the shed should be no less than 2 feet.

Chairman Masciale called for a motion. Frank Fusaro made a motion; Mary Doyle seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen,

Allyson Hroblak, Mary Doyle
 OPPOSED: None
 ABSTAINED: Matt Sontz
 ABSENT: Carla Bonacci, Eldy Pavon and Samuel Reisen

Motion carried.

Application approved.

*Carla Bonacci arrived at 8:05 pm.

Lawrence & Kimberly Rolnick, 545 Boulevard

9/6/2019

Applicants are seeking approval to construct an addition, covered porch, and widen the driveway contrary to Section 12.04F1, 12.04F3, 12.04G, 17.05A of the Land Use Ordinance. Ordinance allows a maximum building coverage of 4,000 square feet. Proposed is 5,454 square feet.

Ordinance allows a maximum building coverage with a porch of 4,874 square feet. Proposed is 5,798 square feet. Ordinance allows a maximum lot coverage of 8,000 square feet. Proposed is 11,096 square feet. Ordinance allows a driveway width of 24 feet. Proposed is 38.9 feet.

Application deemed complete on November 1, 2019. 120 day decision date is February 29, 2020.

Stephen Hehl, Esq. (370 Chestnut Street, Union) appeared on behalf of the applicants. Mr. Hehl stated the home was purchased by the applicants in 1991. The home was constructed in 1890, and the applicants are committed to renovating the home and preserving its stature. The property is located in the RS-10 zone, and is three times the minimum size required for the zone at 29,000 square feet. This house has been recognized by the Westfield Historical Society, but it needs interior layout changes to make it a livable home.

Chairman Masciale swore in Jeffrey Beer (112 Town Center Drive, Warren). The Board accepted Mr. Beer's credentials as licensed architect.

Mr. Beer went through the plans with the Board. He stated the property is a corner property, which is located between Boulevard and Park Street. Photos of the subject property were marked as Exhibit A-1. A two-story addition is proposed on the left side of the home. In the proposed addition on the main level, a new family room will be added as well as a one-story covered porch. At the rear of the house a covered loggia is proposed. The loggia is will be off the kitchen area which will provide a covered outside eating area that overlooks the rear yard and existing pool. The existing garage/carriage house will be converted to a one-car garage, and part of the garage will be renovated to make a bathroom and changing room for the pool. There is not a bathroom adjacent to the pool, and all the work will take place within the existing footprint of the garage. Mr. Beer referred to the site plan stating, there is a paved pull-out area in front of the garage. We will reconfigure the driveway and take the pullout area out and slide it towards Park Street. This will allow the cars to be parked to the side, and allows the area between the covered loggia and the garage to be a play area for the grandkids. The addition on the upper level will include a new master bedroom suite and bathroom. There is heavy landscaping between Boulevard and Park Street to screen the addition. The proposed addition will make the home more functional and blend in with the existing house.

Open to public questions. None. Closed to public questions.

Chairman Masciale swore in Lawrence & Kimberly Rolnick. Mr. Rolnick stated we purchased the house in 1991, at that time the home had fallen into a state of disrepair. The home was renovated and restored to its original grandeur, and our efforts were recognized by the Westfield Historical Society. All rooms are very formal, but not functional, and there is not any place to congregate as a family. Ms. Rolnick stated the family room addition will make this a more modern house. There was a kitchen addition done a few years ago in the rear left hand corner, which sticks out. This addition on the left side will make the home more symmetrical and the family room will connect the rooms on that side of the house.

Open to public questions. None. Closed to public questions.

Chairman Masciale swore in Kevin Page (5 Powder Horn Drive, Warren). The Board accepted Mr. Page's credentials as licensed engineer/planner.

Mr. Page stated the property is the largest property in the RS-10 zone at 29,129 square feet. There are 8 variances, 5 are pre-existing conditions, which are not being exacerbated. The height of the garage and home are pre-existing nonconformities, the side yard setback for the patio around the pool, the side yard setback for the garage, and the pool setback are also pre-existing conditions. The three other variances being requested include, a variance for the building coverage, a maximum of 4,000 square feet is allowed. We are under on the percentage but over on the square footage at 5,454 square feet. Also, we are over on the maximum lot coverage, 8,000 square feet is allowed, and we are at 11,096 square feet. The variance for the driveway width is not for the driveway itself, but for the parking area, which measure 34.9 feet. Mr. Page stated this property is so large it could be subdivided into two lots and two homes could be built without variances. The proposed addition, while it requires variances from three provisions of the ordinance, is a better option. The requested variances can be granted without any substantial detriment to the zoning ordinance or the master plan.

Open to public questions and comments. None. Closed to public questions and comments.

The Board felt the lot size is unique for the RS-10 zone. Initially the variances being requested seem like a lot, but because it is an oversized lot at almost 30,000 square feet, it would be able to handle the proposed additions. The architect did a great job by blending the additions, and preserving the home is a much better option than having the property subdivided into two lots. Two conditions that should be included if approved, all porches remain open and the garage/carriage house should not be used as habitable space.

Chairman Masciale called for a motion. Frank Fusaro made a motion; Mary Doyle seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen,
Carla Bonacci, Matt Sontz, Allyson Hroblak, Mary Doyle
OPPOSED: None
ABSTAINED: None
ABSENT: Eldy Pavon and Samuel Reisen

Motion carried.

Application approved.

Hannah Custom Homes, LLC., 1420 Boulevard

9/25/2019

Applicant is seeking approval to construct an addition contrary Section 12.04F1 and Section 11.09E5 of the Land Use Ordinance. Ordinance allows a maximum building coverage of 20%. Proposed is 21%. Ordinance requires a minimum street side yard setback of 20 feet. Proposed is 15.1 feet. **Application deemed complete December 10, 2019. 120 day decision date is April 8, 2020.**

James Foerst, Esq. (159 Millburn Avenue, Millburn) appeared on behalf of the applicant. He stated we were here last month and the Board asked if could try to reduce the building coverage. This is a property in the RS-6 zone and is a corner lot so we have a 7,200 square foot lot size requirement, and the lot is deficient by 500 feet. If we are on a conforming lot, we would be conforming with the building coverage. The side yard setback variance is an existing non-conforming condition. We are not asking for an f.a.r. variance, and we are 800 sq. feet under on the impervious surface coverage. The only thing we are asking for is to have an addition that will create a master bedroom and kitchen that can be utilized in todays market. Mr. Foerst stated the 71 square foot overage on building coverage is little less than half a parking space. Our plan has not changed since last month; we were determined to come back with the same plan and provide some additional photos of the neighborhood and subject property. You will see by the photos what the neighborhood consists of, and that the what we are asking for is not an overbuild and will not be out of character for the neighborhood.

Chairman Masciale swore in Kerry Gelb and Erica Ramirez (1880 Winding Brook Way, Scotch Plains). Mr. Gelb stated he is member of Hannah Custom Homes, and their goal is to make the neighborhood look better, and to build a home that is consistent with the neighborhood. Photos of the subject property and the surrounding neighborhood were marked as Exhibit A-1. Describing the photos, Mr. Gelb stated we wanted to construct a home which is in keeping with the development going on in the neighborhood. We did speak to a realtor and if we had a smaller kitchen or no master bedroom, the home would be more difficult to sell. Renderings showing the attempts to reduce the size of the home were marked as Exhibit A-2 & A-3. Mr. Foerst stated on the Boulevard in this block, most of the lots are nonconforming, yet the development in the neighborhood is reflective of today's market.

Opened to the public for questions and comments. None. Closed to the public for questions and comments.

The Board felt looking at the construction in the neighborhood, what is being proposed would fit in. The lot is undersized for the zone and a majority of the surrounding lots are also undersized. On the Marlboro Street side there is a town right of way so there would not be any impact to neighbors on that side. A condition to be imposed would be the 2 sheds shown on the survey in the town right of way should be removed, as well as the fencing encroaching in the right of way should be removed, and the porch should remain open.

Chairman Masciale called for a motion. Frank Fusaro made a motion; Matt Sontz seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen,

Matt Sontz, Mary Doyle
 OPPOSED: Allyson Hroblak
 ABSTAINED: Carla Bonacci
 ABSENT: Eldy Pavon and Samuel Reisen

Motion carried.

Application approved.

Mary Rispoli, 722 Castleman Drive

11/12/2019

Applicant is seeking approval to construct an addition contrary to Section 11.09E7, 12.04F1, 12.04E1, 11.09E13, 13.02B1 of the Land Use Ordinance. Ordinance requires a minimum rear yard setback of 35 feet. Proposed is a rear yard setback of 27.9 feet. Ordinance allows a maximum building coverage of 20%. Proposed is 25%. Ordinance allows a maximum floor area ratio of 37%. Proposed is 42.33%. Ordinance allows a maximum continuous wall length of 25 feet. Proposed is 28 feet. Ordinance requires a shed to be located in the rear. Proposed is the side yard. **Application deemed complete December 27, 2019. 120 day decision date is April 25, 2020.**

Chairman Masciale swore in Paul & Mary Rispoli, and their architect Greg Ralph (1924 Route 22, Bound Brook). The Board accepted Mr. Ralph's credentials as a licensed architect.

Mr. Ralph stated this was carried from last month and the plans have been revised. It was an intentional decision to design the work at the rear of the house and to keep the ridge height low. It was very important to design a structure that maintains the front elevation and streetscape. The abutting properties in the rear yard are 170 feet deep so any rear yard encroachment is naturally buffered. Based on the feedback from last month, we pulled the first-floor expansion in 1 foot so it encroaches one foot less into the rear yard, which reduces the building coverage by 20 square feet. The building coverage was 25% and the revised building coverage is 24.67%. The second floor was pulled in 2 feet and that had a larger impact on the f.a.r. which was 42.33% and is reduced to 40.87%. The continuous wall was pulled in from 28 feet to 26 feet.

Opened to the public for questions and comments. None. Closed to the public for questions and comments.

The Board felt the architect did a good job trying to keep the design his clients asked for while reducing the f.a.r. 2 feet on the 2nd floor, and reducing the coverage by 1 foot on the first floor.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve the application; Matt Sontz seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen,
 Matt Sontz, Mary Doyle
 OPPOSED: Allyson Hroblak and Carla Bonacci
 ABSTAINED: None
 ABSENT: Eldy Pavon and Samuel Reisen

Motion carried.

Application approved.

Chairman Masciale made an announcement that the following applications have been carried to the March 9th meeting:

Mark & Susan Doherty, 1140 Wychwood Road
Tamra & Tim Healey, 825 Standish Avenue

NEW APPEALS:

Greek Orthodox Community of the Holy Trinity of Westfield

12/18/2019

Applicant is seeking a conditional use variance and approval to construct a 360 square foot shed contrary to Section 12.04F1, 12.04G, 18.08D of the Land Use Ordinance. Ordinance allows a maximum building coverage of 10%. Proposed 14.1%. Ordinance allows a maximum coverage by improvements of 50%. Proposed is 57.5%. **Application deemed complete January 9, 2020. 120 day decision date is May 8, 2020.**

Stephen Hehl, Esq. (370 Chestnut Street, Union) appeared on behalf of the applicant. Mr. Hehl stated this an application for replacement of a small storage shed behind the church. One of the key factors for the shed is the church has very limited storage and there is not a basement so there are certain items the church has that cannot be stored in the main building.

Chairman Masciale swore in George Colonias (606 Ridge Road, Watchung). Mr. Colonias is the president of the parish council. He stated the church has expanded over the years and there is not any storage space or basement. We have a small shed now that has some lawn equipment store in it, but it is not big enough to house larger items. We would like to install this shed for the larger items that do not need to be climate controlled. There will not be any outside storage, anything stored outside now will be either stored in the new shed or thrown out.

Open to public questions.

Liz Mulholland (1029 Harding Street) stated she lives directly behind the church and asked about the size of the shed, location of the shed, and what the shed will look like.

John Mulholland (1029 Harding Street) asked about the size of the shed and when the trailer on the property will be removed.

Closed to public questions.

Chairman Masciale swore in James Watson (328 Park Avenue, Scotch Plains). The Board accepted Mr. Watson's credentials as a licensed surveyor/planner.

Mr. Watson went through the plans. He stated the variances being requested are for an increase of 271 square feet of building coverage, which translates to 0.16% of the lot area. We are installing a shed that is 12x30, and will not be visible from the road. The proposed location for the new shed has been used for many years with the original shed and there have not been any issues. The current shed is 34.4 feet off the side line and the new shed will be approximately 31 feet off that sideline so the structure is getting 3 feet closer. The other variances are existing nonconformities that were granted with other applications. The church is an inherently beneficial and the proposed shed would not have any detrimental impact to the neighbors. The requested variances can be granted without any substantial detriment to the zoning ordinance or the master plan.

Opened to the public for questions and comments.

Liz Mulholland (1129 Harding Street) stated she lives directly behind the church, and has a few concerns about ongoing zoning issues at the property. Ms. Mulholland stated she wants the church to become more responsive to the ongoing issues at the property. She submitted 11 photos. There are a lot more things going on at the site then what is shown on the site plan. Some of her concerns include lighting at the property and overflow parking from the college on church property.

Closed to the public for questions and comments.

The Board agreed that the shed can't be seen from the road. The updated shed will allow for additional storage and will help clean up the property. If the shed was slightly smaller it would not even require Board approval.

Chairman Masciale called for a motion. Carla Bonacci made a motion to approve the application; Frank Fusaro seconded.

ALL IN FAVOR:	Chris Masciale, Frank Fusaro, Michael Cohen, Allyson Hroblak, Carla Bonacci Matt Sontz, Mary Doyle
OPPOSED:	None
ABSTAINED:	None
ABSENT:	Eldy Pavon and Samuel Reisen

Motion carried.

Application approved

There being no further business a motion to adjourn was made, seconded and carried. The meeting adjourned at 11:16 pm.

Respectfully submitted,

Linda Jacus
Board Secretary